

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will be in a period of morning business until 10 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

The Senator from Wyoming is recognized.

CROSS-BORDER AIR POLLUTION

Mr. BARRASSO. Mr. President, I come to the floor today to talk about the Environmental Protection Agency, the EPA, and their implementing a cap-and-trade program for what is called cross-State air pollution. I oppose this new regulation and I support the resolution of disapproval that we will be voting on later today.

Led by the EPA, Washington bureaucrats are tying up America with red-tape. They are tying up our Nation and they are tying up the American people. This year alone, the EPA has issued over 400 final rules. These are rules that do have the effect of law. Well, that is over two rules per day so far this year for each day the *Federal Register* has been open for business in 2011.

Imagine any business in the United States, in our home communities—businesses having to comply with two new EPA rules each day you are open for business. And, of course, if you don't comply, then you face thousands of dollars in fines. This is business as usual for the EPA. Thousands of rules are filling the Federal Register, 70,000 pages this year alone. The costs of rules issued this year are estimated to eclipse the \$100 billion mark. It is time to stop Washington bureaucrats. They are issuing excessive rules without considering their impact on our economy.

The problem is that this administration does not believe there is a regulations problem. They think more regulations actually create jobs rather than harm jobs. Fortunately, a previous Congress passed, and President Clinton signed into law, what is called the Congressional Review Act. This law gives us our best tool to dismantle bad regulations, and we should use it when appropriate.

Majority Leader REID, one of the authors of this Congressional Review Act, described the process as a reasonable, sensible approach to regulatory reform. I believe the Senate should use it here today. The Senate should take back some responsibility, instead of letting unelected, unaccountable bureaucrats continue to harm our economy.

I am standing here today to support Senator RAND PAUL's resolution to nullify the EPA's cross-State air pollution

rule. The EPA's cross-State air pollution rule was finalized approximately 3 months ago. It is already costing Americans jobs. Over the summer, officials at a Texas utility threw up their hands and said they can't comply. They said it was too costly, too burdensome, and 500 jobs in Texas were lost as a result. The EPA's own estimates say another 2,500 jobs will be lost because of this very regulation. Private sector analysis puts the job and cost numbers much higher.

The cross-State air pollution rule puts limits on electricity generation for over half the country. It forces Washington's heavy hand on over 1,000 coal, gas, and oil-fired facilities across 28 States. Originally designed for States in the East, the EPA now continues to expand the rule to capture more and more States in the West. The newest version of the rule imposes new requirements for Kansas, Oklahoma, Nebraska, Texas, Iowa, Missouri, and Wisconsin. The compliance costs are very high. By the EPA's own estimate, the rule will cost over \$2.4 billion.

The EPA also notes that part of these costs will be passed on to U.S. households in the form of higher electricity rates. The cross-State air pollution rule demonstrates how bureaucrats simply do not understand how job creators work and operate their businesses all across this country.

The implementation timeline the EPA has proposed is nearly impossible to follow. The rule was finalized on August 8, which leaves less than 6 months for companies and States to act and meet the new mandates by January of 2012. The Office of Management and Budget even warned that there would be consequences of such a drastic change in such a short amount of time.

In conclusion, this resolution of disapproval will tell the bureaucrats to do their job but do it following the rules of the road. We all want clean air, and we want it done in a responsible way. This EPA is rushing through rules, causing a train wreck in our economy, our jobs, and our competitiveness as a nation will suffer as a result. Senator PAUL's resolution will save at least 3,000 American jobs and also prevent a rise in electricity costs for American families. By adopting this resolution today, we will help our job creators, and help them be more competitive in the global marketplace. It is common sense to rein in the EPA.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, I have great respect for my colleague who just spoke but disagree with him, and I urge my colleagues to take a careful look at the Rand Paul resolution of disapproval when it comes to this issue of air pollution. I would commend the remarks of our colleague Senator KELLY AYOTTE of New Hampshire who spoke this Tuesday on the floor of the Senate, urging the same opposition to

RAND PAUL's resolution. She said she could not support that resolution. I quote from Senator AYOTTE's floor statement:

The cross-State air pollution rule is designed to control emissions of air pollution that cause air quality problems in downwind States, and New Hampshire is a downwind State.

She went on to argue that this rule, which was first implemented 6 years ago—this is not a new idea coming through this administration; it has been here for years—is simple justice. Why in the world should the people downwind of a polluting State have their lifestyle and opportunity to expand businesses affected? Shouldn't we have reasonable standards that, if the air pollution you put in the air is going to cross over the border—which it naturally will—and affect the air quality in a neighboring State, you have a responsibility? Well, of course you do. But, unfortunately, the position Senator PAUL is taking is that we shouldn't have any standards, we shouldn't have any rules.

I would also suggest that there are utility companies—one that visited my offices yesterday—that agree with my position. They want to have a good rule when it comes to this cross-State air pollution.

John Rowe is the executive of a company named Exelon. Exelon, Commonwealth Edison, has been around for a number of years. They have acquired plants in many different locations. He was here on the Hill yesterday as a utility executive lobbying against RAND PAUL's resolution of disapproval. If you believe the earlier statements made by my colleague and friend Senator BARRASSO, you would assume the power industry is opposed to the EPA in this position. Not true. Many forward-looking utility executives have made decisions to lessen air pollution. If the Paul resolution is enacted, all of their investment will have been for nothing other than their own self-satisfaction. They have tried to live up to a standard in the law which Senator PAUL now wants to eliminate. That is a mistake. And it is a mistake because it rewards bad conduct.

When we come up with new standards to make America healthier and safer, it is interesting, the reaction. Some corporate leaders, when they hear of a new standard that might make the air cleaner or water purer, say, That is it, we have heard from the government, we have got to go out and hire a lawyer and a lobbyist to fight it. Others say, That is it, we believe the standard is reasonable, we are going to hire the engineers to make it work.

The second approach is one we should reward. The first approach will be rewarded if Senator PAUL has his way and eliminates this air pollution standard.

Yesterday, Lisa Jackson, the Administrator of the Environmental Protection Agency, came in my office and I talked to her. I said that many times

we speak about air pollution in the most general and theoretical terms. To me, it is a very personal thing. I invited her and every one of my colleagues, including my colleagues from Wyoming and Idaho and other States, to step forward the next time they visit a classroom in a school and ask a simple question to the students assembled there, a question I ask every time I visit a school. I ask the students: How many of you know someone who is suffering from asthma? Without fail, half of the students or more will raise their hand.

It is a mistake for us to ignore this epidemic of pulmonary disease which is literally claiming lives every single day in our country. It is a mistake for us to ignore the fact that this public health hazard of air pollution makes asthma sufferers suffer even more.

Two weeks ago, I was at the University of Illinois Children's Hospital and met with some of the parents of asthmatic children. It is a heartbreaking situation. I cannot imagine what it is like to be sitting there on the bedside of your daughter or son when they say, I can't breathe. That is the reality of asthma in its worst situation.

Maybe that is not the worst situation. I can recall visiting emergency rooms at children's hospitals in Chicago and having emergency room physicians say, I have had teenagers walk in here and say, I have asthma, I can't breathe, and I sat there and watched them die. There was nothing I could do about it. That is the reality of asthma and pulmonary disease. That is the reality of pollution. And if Senator PAUL and his followers have their way, we will reduce the standards for clean air in America, we will endanger more people with asthma and pulmonary conditions, and we will pay a heavy price—not just in the human suffering and death but in the health care costs associated with it.

Why is it, when the Republicans are asked to come up with a way to create jobs in America, their first stop is to eliminate the EPA? Why is it that the House of Representatives, Republican-dominated House, boasts that they have a jobs bill, and you look and find they on 168 separate occasions this year tried to take away the authority of the Environmental Protection Agency to protect the air and the water that we drink? Is that the path to economic prosperity in America? The filthy skies we see in some cities around the United States and the smog that is attendant to it? And of course, if you go overseas to China, you can cut the air with a knife 24/7. That is the reality of an unregulated business environment. It is a reality we can change. We can change it with thoughtful regulation, we can change it by dedicating ourselves to public health and safety, and we can change it by supporting those rules which are consistent with improving public health.

I want to salute Senator AYOTTE for her statement on the floor. Senator

ALEXANDER of Tennessee joined her. We believe there will be a handful of stalwart Republicans who will step forward with us today to defeat the Paul amendment. They believe, as we do, this is not a partisan issue. It does our country no good to declare war on the Environmental Protection Agency and to leave ourselves vulnerable to all the death and disease that will follow if we don't do something meaningful to deal with air pollution. I think we can, and I think we should, and I hope we can do it on a bipartisan basis.

When I listen to the suggestions about creating jobs, I think many on the other side overlook the obvious. When we are looking for more energy efficiency and cleaner energy, we are pushing the envelope on technology. We are asking for innovation, entrepreneurship, and new employment to reach it. It is an exciting opportunity for us across this country.

Two weeks ago I visited a new coal-fired plant in southern Illinois near my home area where I was born. It is across the road from a coal mine, and they have put on that plant \$1 billion worth of scrubbers and cleaning devices to reduce air pollution dramatically from where it otherwise would have been in a coal-fired plant. They made the investment because it was the right thing to do, and it is a standard that is moving us forward as a country so we can say to the American people we can produce the energy we need for our economy to create jobs and grow, but do it in a sensible fashion.

If the Republican leadership in the House has its way, the Environmental Protection Agency will all but disappear. Maybe that is their way to expand the economy, but it is not mine. I would rather be creating jobs for energy efficiency and new energy technology right here in the United States, so that we end up with cleaner air and purer water. I would rather do that than watch the RAND PAUL approach pass, and find ourselves creating jobs, sadly, on the backs of those who are suffering from asthma. I don't doubt, if there are more asthmatics, there will be need for more medical professionals, more emergency rooms, more nebulizers, more medical treatment. Those aren't the kinds of jobs we should pointedly try to create. We need those folks, but we shouldn't make their tasks any harder or more difficult by increasing the number of children and young people in America who are suffering from asthma that is the direct consequence of watering down the air pollution laws in a way that Senator PAUL will try to do later today on the floor of the Senate.

Let's have respect for the people who live in this country and the health of their children. Let's vote down this Rand Paul resolution.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

The Republican leader is recognized.

DISAPPROVING A RULE SUBMITTED BY THE ENVIRONMENTAL PROTECTION AGENCY RELATING TO THE MITIGATION BY STATES OF CROSS-BORDER AIR POLLUTION UNDER THE CLEAN AIR ACT—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to S.J. Res. 27.

The ACTING PRESIDENT pro tempore. The clerk will report the resolution by title.

The bill clerk read as follows:

Motion to proceed to the consideration of the joint resolution (S.J. Res. 27) disapproving a rule submitted by the Environmental Protection Agency relating to the mitigation by States of cross-border air pollution under the Clean Air Act.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 2 hours of debate equally divided and controlled between the two leaders or their designees.

Who yields time? The Senator from Kentucky is recognized.

Mr. PAUL. Mr. President, I rise today in support of clean air, clean water, electricity, and jobs. I think we can have a clean environment and jobs, but not if we let this administration continue to pass job-killing regulations. These new regulations will cost over \$2 billion, and over the course of a decade or more may well exceed \$100 billion. We add these new regulations to over \$2 trillion worth of regulations already on the books. The President is adding \$10 billion worth of regulations every month, and we wonder—we have 14 million people out of work, 2 million new people out of work since this President took office. Yet we continue to add regulation upon regulation.

So far this year President Obama has added \$80 billion worth of new regulations. If this President is serious about job creation, he needs to cease and desist from adding new job-killing regulations. The vote today has nothing to do with repealing the Clean Air Act. I am sure we will hear hysterics on the other side. We will hear from environmental extremists. But this has nothing to do with repealing the Clean Air Act. We have rules in place to control emissions from our utility plants. We are not arguing against that. In fact, we are arguing for continuing the same rules that have been in place for some time.